

Appl. No. 10/057,822
Amdt. Dated October 5, 2005
Reply to Office Action of June 6, 2005

Attorney Docket No. 83384.0001
Customer No.: 26021

REMARKS/ARGUMENTS:

Claims 15-18 and 23-56 are canceled without prejudice. Claims 1-14, 19, 21, and 22 are amended. Claims 1-14, 19-22, and 57-59 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

The present invention relates to a metal film and a metal film-coated member used for optical coating film or the like, a metal oxide film and a metal oxide film-coated member used for optical coating film, insulation film or the like, and a thin film forming apparatus and a thin film forming method preferably employed in the production of the metal film and the metal oxide film. (Applicant's specification, at p. 1, lines 8-14).

CLAIM OBJECTIONS:

Claims 5 and 14 stand objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Office states that Si is not conventionally considered to be a metal and therefore, claims 5 and 14 are not further limiting of the independent claims. The Applicant respectfully disagrees. Si has chemical properties which are similar to metals and can be considered a metal. However, in order to expedite the prosecution of the instant application the Applicant amended the independent claims on which claims 5 and 14 depend to refer to a "metal or semimetal film". Withdrawal of this objection is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112:

Claims 1-14, 16, and 19-22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly

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claim the subject matter which applicant regards as the invention. This rejection is moot with respect to claim 16 due to the cancellation of this claim. The Applicant traverses this rejection as to claims 1-14 and 19-22.

The Office states that it is unclear what constitutes a metal due to Si being considered a metal. As discussed above, the Applicant believes Si can be considered a metal since it has chemical properties which are similar to metals. However, in order to expedite the prosecution of the instant application the Applicant changed "metal" to --metal or semimetal--. Withdrawal of this rejection is thus respectfully requested.

In addition, the Office states regarding dependent claim 16 that it is unclear what is being claimed since claim 15, from which claim 16 depends, is not pending. In response, claim 16 has been canceled.

ALLOWABLE SUBJECT MATTER:

Claims 57-59 are allowed.

The Office states that none of the reviewed prior art nor prior art of record pertains to the subject matter in claims 1-14 and 19-22. Applicant notes that since the rejections under 35 U.S.C. § 112 have been addressed, no further objections or rejections to claims 1-14 and 19-22 are outstanding. Allowance of claims 1-14 and 19-22 is therefore respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los

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Angeles, California telephone number (213) 337-6810 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: October 5, 2005

By: 

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